

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|--------------------------|---|--------------------------|
| _____ |) | |
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CRIMINAL ACTION |
| |) | NOS. 03-10392-RCL |
| MATTHEW VICKERS, |) | and 04-10027-PBS |
| Defendant, |) | |
| _____ |) | |

ORDER OF DETENTION PENDING TRIAL
February 13, 2004

SWARTWOOD, M.J.

I. Nature Of The Offenses And The Government's Motion

On December 17, 2003, an Indictment was returned, charging Matthew Vickers ("Mr. Vickers"), in Count One, with being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1) and in Count Two, with possession of a firearm with an obliterated serial number, in violation of 18 U.S.C. § 922(k).

On February 4, 2004, an Indictment was returned, charging Mr. Vickers in Count One, with possession with intent to distribute cocaine, in violation of 21 U.S.C. § 841(a)(1) and in Count Two, possession with intent to distribute cocaine base, in violation of 21 U.S.C. § 841(a)(1). Count Three of this

Indictment contains a notice of prior conviction in accordance with 21 U.S.C. § 851.

At Mr. Vickers initial appearance with respect to both of these Indictments, the Government moved for a detention in accordance with 18 U.S.C. §§ 3142(f)(1)(A) (crime of violence), (f)(1)(B)(the offense charged provides for a maximum of life imprisonment), (f)(1)(C)(Mr. Vickers is charged with an offense for which a maximum term of imprisonment of ten years or more is prescribed in the "Control Substances Act")(21 U.S.C. § 801 et seq.)), (f)(1)(D)(Mr. Vickers is charged with a felony and has been convicted of two or more offenses described in paragraphs (A) through (C) of Section 4142(f)(1)(A), or two or more state or local offenses that would have been offenses described in paragraphs (A) through (C) of such section if federal jurisdiction had existed) and (f)(2)(A)(risk of flight). The matter was then continued for a detention hearing.

On February 13, 2004, Mr. Vickers appeared for his detention hearing and at that time, assented to an Order of Detention.

VI. Order of Detention Pending Trial

In accordance with the foregoing memorandum,
IT IS ORDERED:

1. That Mr. Vickers be committed to the custody of the Attorney General, or his designated representative, for

confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2. That Mr. Vickers be afforded a reasonable opportunity for private consultation with counsel; and

3. On order of a court of the United States or on request by an attorney for the Government, the person in charge of the corrections facility in which Mr. Vickers is detained and confined shall deliver Mr. Vickers to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

RIGHT OF APPEAL

THE PERSON OR PERSONS DETAINED BY THIS ORDER MAY FILE A MOTION FOR REVOCATION OR AMENDMENT OF THE ORDER PURSUANT TO 18 U.S.C. § 3145(b).

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
MAGISTRATE JUDGE